

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DWAYNE L. RIECO,)	
)	20-cv-00070
Plaintiff,)	
)	ELECTRONICALLY FILED
v.)	
)	
C/O JOHNSTON, et al.,)	
)	
Defendants.)	

**MEMORANDUM ORDER ADOPTING MAGISTRATE JUDGE’S
REPORT AND RECOMMENDATION (DOC. NO. 11)**

This case has been referred to Chief United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 626(b)(1)(A) and (B), and Rules 72.C and 72.D of the Local Rules for Magistrate Judges.

On April 14, 2020, the Magistrate Judge issued a Report and Recommendation (Doc. No. 11) recommending that Plaintiff’s Motion for Leave to Proceed in forma pauperis (Doc. No. 5) be denied in accordance with 28 U.S.C. § 1915(g) and that this action be dismissed without prejudice to Plaintiff reopening it by paying the full statutory filing fee and administrative filing fees, totaling \$400.00. Service of the Report and Recommendation was made, and Plaintiff was advised that written objections to the Report and Recommendation were due by May 5, 2020. To date, Plaintiff has not filed any objections.

For the same reasons stated in the Magistrate Judge’s Report and Recommendation, Plaintiff’s motion for leave to proceed in forma pauperis is **DENIED**. Plaintiff is no stranger to the in forma pauperis standards, generally, and the “three strike” standards, specifically, and Plaintiff’s Complaint fails to establish “imminent danger” as defined under the law.

After a de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 5th day of May, 2020,

It is hereby **ORDERED** that Plaintiff's Motion for Leave to Proceed in forma pauperis (Doc. No. 5) is **DENIED**, the Report and Recommendation (Doc. No. 11) is adopted as the Opinion of the Court, and this case is **DISMISSED WITHOUT PREJUDICE** to reopening once Plaintiff pays in full the applicable filing fees.

So ORDERED this 5th day of May, 2020

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: DWAYNE L. RIECO
HU-2494
SCI Greene
175 Progress Drive
Waynesburg, PA 15370
(Via First Class U.S. Mail)